

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-cr-35-RLY-MPB
)	
ORLANDO LOPEZ WEBBER,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 31, 2022, the Court held a final hearing on the Petition for Summons for Offender Under Supervision filed on November 18, 2021. [Dkt. 51]. Defendant Orlando Lopez Webber ("Defendant") appeared in person with counsel Jonathan Chance. The government appeared by Todd Shellenbarger, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Sabina Delgado.

This matter was referred to the Magistrate Judge to conduct a hearing and make a report and recommendation as to disposition. [Dkt. 54]. The Defendant was advised that the District Judge is not bound to accept the Report and Recommendation.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court previously conducted an initial hearing on January 26, 2022, at which Defendant was advised of his rights and provided a copy of the petition. [Dkt. 59].
2. Defendant orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Webber admitted violation No.1. [Dkt. 51].

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	“You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.”

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **C** violation.
- (b) Defendant’s criminal history category is **I**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **3 to 9** months’ imprisonment.

5. The parties jointly recommended to add two additional conditions of release, which are referenced below as numbers 27* and 28* and to continue the Defendant on supervised release.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, and that his supervised release should be modified as follows:

27. You shall participate in a mental health treatment program, as approved by the probation officer, and abide by the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). You shall take all mental health medications that are prescribed by your treating physician. The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.

28. The defendant shall reside for a period of six months in a Residential Reentry Center

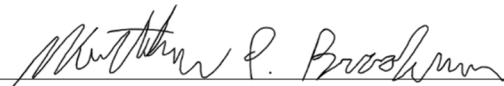
(RRC) as directed by the probation officer and shall observe the rules and regulations of that facility to include undergoing a physical examination, mental health evaluation and treatment if deemed advisable, human immunodeficiency virus testing; and tuberculosis testing. The defendant shall contribute to the costs of these services unless the probation officer determines the defendant does not have the ability to do so. Co- payments shall be determined by the U. S. Probation Service in conjunction with the RRC director.

Justification: these conditions are recommended to assist the probation officer in supervising the offender and facilitating re-entry into the community, as well as to promote respect for the law and reduce recidivism.

Defendant reviewed the foregoing conditions and they were reviewed by defendant with his attorney. Defendant, on the record, accepted the above-noted conditions of supervised release.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 2/1/2022



Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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